

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

CHEETAH OMNI LLC
Plaintiff,

vs.

ALCATEL-LUCENT USA, INC. ET AL.
Defendants.

Civil Action No. 6:11-cv-390
U.S. Circuit Judge Timothy B. Dyk
Jury Demanded

TELLABS, INC.'S, TELLABS OPERATIONS, INC.'S, AND TELLABS NORTH AMERICA, INC.'S
OBJECTIONS TO CHEETAH OMNI LLC'S DEPOSITION COUNTER-DESIGNATIONS

Tellabs, Inc., Tellabs Operations, Inc., and Tellabs North America, Inc. reserve the right to supplement these objections and counter-designations as may be appropriate.

Objections Key:

A = Argumentative	P = Prejudice/Cumulative
F = Foundation	R = Relevance
H = Hearsay	S = Speculation
*Conditional	V = Vague
106 = Incomplete	LC = Calls for legal conclusion

Larry Fabiny June 12, 2012		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
8:3	8:9					
62:12	62:24					
83:11	83:12					
83:16	84:2					
84:11	85:1					
85:4	85:6	R,P	85:6	85:8		
85:9	85:25	R,P	86:7	86:25		
87:4	87:5					
87:15	88:11	R,P	88:12 89:1	88:25 89:5		
89:22	90:11					
90:16	90:18					

James Harlan March 20, 2013		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
9:2	9:9					
9:22	9:24					
10:9	10:13		11:17	11:19		
21:19	22:8		22:14	23:4		
23:5	23:10					
23:14	23:16					
25:5	25:11					
29:9	29:25					
30:25	31:2		31:3	31:10	F, H, S	
31:11	31:22					
36:16	36:18					
37:4	37:6					
37:24	38:2					
40:22	41:1					
41:3	41:12					
41:18	41:24	F,H				
42:6	42:8		42:9	42:16	F, H, S	
42:17	42:20					
43:10	44:11	F,H				
44:23	47:4	F,H				
47:23	48:3					
48:18	48:22	F,H				
49:6	49:10	F,H				
49:16	49:17	F,H				
49:22	50:14	F,H				
50:16	51:1	F,H				
51:7	51:10					
51:16	51:25	F,H				
52:9	52:11					
52:14	53:18	F				
53:23	54:5	F,H				
54:11	54:17					
54:19	54:19					
58:13	58:21	F,H				
58:23	58:23					
59:6	59:7					

James Harlan March 20, 2013		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
59:9	59:18					
59:21	59:21					
61:4	61:6		61:7	61:10	F, H, R, S, LC	
61:16	62:2					
64:23	65:7	R,F,H				
65:14	65:20	R,F,H				
65:22	66:9	R,F,H				
67:14	68:1					
68:15	68:18	F				
68:21	68:24	F				
70:10	70:15	R,F				
70:19	71:7	R,F				
71:10	71:11	R,F				
75:15	76:1					
76:14	76:20	R,F				

Erich Ippen September 26, 2013¹		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
7:24	8:2					
22:12	23:2					
25:1	25:6		25:14	25:17	R	
			25:19	26:2	R	
26:3	26:7					
26:9	26:11					
26:16	26:24					
27:1	27:6					
27:8	27:8		27:17	28:3		
28:15	28:20					
28:22	28:23		28:24 29:2	28:25 29:4		
30:14	30:19					
31:6	31:15					
34:20	34:24					
35:6	35:9					
35:11	35:12					
36:1	36:4					
36:6	36:7					
36:15	36:19					
36:21	36:22					
37:1	37:2					
37:4	37:4					
38:4	38:5					
38:7	38:7					
42:3	42:17					
42:23	43:2					
44:20	45:21					
45:25	46:7					
46:19	46:22		46:23	47:11		

¹ Erich Ippen has been designated as Cheetah's Validity Expert. Tellabs intends to call Dr. Ippen as a witness at trial; however, in the event Dr. Ippen does not appear at trial, Tellabs will use the following excerpts from Dr. Ippen's 09/26/2013 deposition transcript.

Erich Ippen September 26, 2013 ¹		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
			47:25	48:24	V	
52:13	53:5					
61:3	61:20	P,F				
73:8	73:21					
74:8	74:17					
74:19	74:24		75:2	75:5	P (<i>see</i> 78:2-6)	
			75:24	76:2		
			78:2	78:6		
80:6	80:8					
80:12	81:4					
81:18	81:24					
82:13	82:16					
82:18	83:2					
87:2	87:17		87:18	88:2		
89:2	89:6	P				
89:8	89:8	P				
90:16	91:3					
94:25	95:1	R,P,F				
95:3	95:16	R,P,F				
95:24	96:1	P				
96:6	96:9					
97:13	97:21					
98:24	99:3		106:9	106:15		
106:16	106:20	P				
109:24	110:3	P	110:4	110:8		
110:17	111:9	R	114:5	114:16		
114:17	114:19					
114:21	115:7		115:8	115:12		

Jack Kelly (Vol. I) March 28, 2012²		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	Start Page/Line		Start Page/Line	Start Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
7:25	8:1					
8:5	8:6					
9:16	9:18					
9:22	10:8		11:3 13:5 13:10	11:23 13:8 13:13		
14:17	14:19					
14:23	14:23					
15:2	15:2		15:10	16:2		
16:3	16:6					
17:12	18:3					
18:5	18:8					
18:11	18:14					
24:22	24:22					
25:5	25:6					
25:8	25:11					
25:13	25:14					
25:16	25:16					
25:19	25:20		25:22 26:8 26:16 26:18	25:23 26:9 26:16 26:21	P, R 106 (counter- counter- designations 6:12 and 26:14)	
27:15	27:19					
29:5	29:6					
29:13	29:15					
42:4	42:17					
42:24	43:9		43:10	43:16		

² Jack Kelly, Ph.D. is Vice President and Chief Technology Officer at CoAdna. Tellabs intends to call Dr. Kelly as a witness at trial; however, in the event Dr. Kelly does not appear at trial, Tellabs will use the following excerpts from Dr. Kelly's 03/28/2012 deposition transcript.

Jack Kelly (Vol. I) March 28, 2012 ²		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	Start Page/Line		Start Page/Line	Start Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
46:18	46:23					
51:1	51:2					
52:19	52:19					
52:21	53:2					
53:5	53:5					
53:7	53:9					
53:11	53:11					
53:13	53:16					
54:7	54:8					
54:10	54:11					
55:9	55:15					
55:18	55:19					
56:2	56:6					
56:9	56:10					
56:12	56:16					
56:18	56:19					
56:21	56:22					
57:16	57:19					
57:22	57:23					
58:9	58:12					
58:15	58:15		58:17	59:5		
			59:6	59:7	P, R, V	
			59:25	60:5	P, R, V	

Jack Kelly (Vol. II) July 19, 2013³		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
108:18	109:10		107:22	108:17		
112:15	112:17					
112:19	113:12					
121:22	122:1					
122:7	122:14		122:14	123:6		
123:7	123:13					
124:3	124:9		125:6	125:8		
125:22	126:16		126:17	126:20		
126:21	127:3		127:4	127:7		
127:8	127:13		128:7	128:13		
			128:14	128:20	P, R, V	
128:20	129:4		129:5	129:9		
130:13	131:1		131:2	131:4		
131:11	131:19		131:20	131:23		
131:24	132:6		132:7	132:10		
132:11	132:17		132:18	132:22		
132:23	133:6		133:7	133:11		
			134:6	134:9	R	
			136:3	136:12		
			137:8	137:14		
			138:3	138:4		
			139:10	139:13		
			144:5	144:17		
			146:23	147:21		
			147:23	149:14		
149:15	149:24		150:7	150:17		
			150:20	150:24		

³ Jack Kelly is Vice President and Chief Technology Office at CoAdna. Tellabs intends to call Dr. Kelly as a witness at trial; however, in the event Dr. Kelly does not appear at trial, Tellabs will use the following excerpts from Dr. Kelly's 07/19/2013 deposition transcript.

Thomas Strasser October 30, 2013		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
7:7	7:10					
8:18	8:25					
9:21	9:25					
12:25	13:6					
13:16	13:19					
13:22	13:23					
14:4	14:7	R,F,H,V				
14:18	15:4		15:16	15:23		
16:12	16:18	F,R				
19:7	19:11	H,R				
19:13	19:18		19:19	19:24		
22:1	22:6	H,R,F	23:10 23:14 23:16 23:24	23:11 23:15 23:23 23:25		
24:9	24:11	F,H,R,P	24:4 24:13	24:8 24:14		
24:14	24:16					
25:3	25:10	V,F,H,R				
25:13	25:17					
27:11	27:14	V,F,H,R				
27:16	27:22	V,F,H,R				
27:24	28:2		30:8 30:14	30:11 30:17	F, H F, H	
31:10	31:12	F,H,R,P				
31:14	31:15	F,H,R,P				
31:16	31:20					
31:22	31:23					
35:7	35:11	H,R				
39:25	40:9					
41:11	41:23		41:23	41:25	R	
42:18	42:22		42:22	42:24	R	
43:10	43:15		43:18	43:23		
43:24	44:5					

Thomas Strasser October 30, 2013		Cheetah's Objections to Designation	Cheetah's Counter- Designations		Tellabs' Objections to Cheetah's Counter- Designations	Ruling
Start Page/Line	End Page/Line		Start Page/Line	End Page/Line		<input type="checkbox"/> Sustained <input type="checkbox"/> Overruled <input type="checkbox"/> Obj. w/d <input type="checkbox"/> Desig. w/d <input type="checkbox"/> Amended
44:10	44:18		44:24 45:1 45:14 45:17 46:17 46:22 47:1 47:4 47:12 47:16 48:11 48:15 48:23 49:1 66:12 67:6 68:3 68:13 69:1 69:7 71:6 71:18 72:1 73:15	44:25 45:6 45:15 45:18 46:18 46:25 47:1 47:7 47:14 47:18 48:12 48:17 48:25 49:8 66:22 66:25 68:5 68:25 69:4 69:14 71:15 71:25 72:1 73:20	R, P R, P R, P R, P R, P R, P R, P R, P R, P R, P R, P R, P R, P F, H, R, P F, H, R, P F, H, R, P F, H, R, P F, H, R, P F, H, R, P F, H, R, P F, H, R, P	
74:12	74:17		74:23	74:25		
74:20	74:23					

Respectfully submitted,

Dated: January 31, 2014

/s/ Mark A. Dodd

James P. Bradley
Texas Bar No. 02826000
Email: jbradley@sidley.com
Mark Dodd
Texas Bar No. 24040815
Email: mdodd@sidley.com
Kelley Conaty
Texas Bar No. 24040716
kconaty@sidley.com
SIDLEY AUSTIN LLP
717 N. Harwood, Suite 3400
Dallas, Texas 75201
Tel: (214) 981-3306
Fax: (214) 981-3400

Richard F. O'Malley
(Lead Attorney)
Lisa A. Schneider
Robert D. Leighton
SIDLEY AUSTIN LLP
One South Dearborn
Chicago, IL 60603
Tel: 312-853-7000
Fax: 312-853-7036

*Attorneys For Defendants Tellabs, Inc.,
Tellabs Operations Inc., and Tellabs North
America, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on January 31, 2014.

/s/ Mark A. Dodd
